

IN THE SENATE OF THE UNITED STATES.

JANUARY 21, 1858.—Ordered to be printed.

Mr. BENJAMIN made the following

REPORT.

[To accompany Bill S. 81.]

The Committee on Private Land Claims, to whom was referred the "petition of Laurent Millaudon, praying confirmation of his title to certain lands in Alabama," have had the same under consideration and submit the following report:

The committee find the facts in this case set forth in a report submitted by Mr. Clay, of Alabama, from the Committee on Public Lands, at the 2d session of the 25th Congress, (Senate Documents, vol. 4, 1837-'38,) which are as follows: "Under the provisions of the act of 1812, authorizing the investigation of land titles south of the 31st degree, and east of the Mississippi, an individual, without any authority for so doing, filed two alleged Spanish permits for lands on the east side of the Mobile bay, in favor of J. B. Lorendine in the behalf of the Baron de Feriot; these claims were favorably reported upon by Commissioner Crawford," and communicated to the House of Representatives on the 5th day of January, 1816; in which report the said claims were numbered 90 and 91 of the 3d class.—(American State Papers, Public Lands, vol. 3, page 11.) "Subsequent to this report, but before Congress had any action thereon, one Arthur L. Simms became the purchaser of the right of De Feriot to the lands; and on the 3d of March, 1819, Congress passed an act confirming all the claims so favorably reported by the Commissioner; and, under that act, the claims were regularly surveyed by the proper officers in 1830, and confirmed by the Surveyor General in 1835, and are represented on the plats of the public surveys as the De Feriot claims, in township C south, of range two east, in the St. Stephen's district, Alabama. Subsequent to this, to wit: on the 20th of March, 1837, Laurent Millaudon, relying upon the representations made to him of the genuineness of those claims, and upon all the previous action of the officers of the government and of Congress, by which they were declared to be valid and good titles, and as covering lands to which the government had no claim, became the purchaser of certain portions of the same from Simms. Doubts having afterwards arisen as to the justice of these claims, with a view of securing the lands, pre-emption floats were laid thereon. Under the titles thus purchased by

Mr. Millaudon, and believed by him to be most unimpeachable, he went on in making the most extensive preparations to establish a city upon those lands, and it appears to the committee, from the evidence adduced by him, that in this enterprise he has already actually expended upwards of \$100,000. In March last, the question as to the validity of the De Feriot titles being brought before the General Land Office for consideration, that office required a report from the land officers at St. Stephens, upon all the facts and evidence in the case; and it satisfactorily appearing from that report and accompanying documents that these claims of De Feriot were fraudulent in themselves, one purporting to be founded on a grant from Cayetano Perez, in 1800, when he was first in office, for twenty-two days, in December, 1803, as commandant *ad interim*, and was not in office as commandant of the post until 1809, and the other being only a permission for the temporary use of a tract of six or seven arpents on the Bayou Fra, or Froid, for a cowpen, for the security of cattle during an apprehended incursion of a band of Indians, the General Land Office decided that the De Feriot titles, being fraudulent, conveyed no title to the present holders under them. In the correctness of this decision (if the question had been an original one, and independent of the act of the commissioner and the act of Congress of 1819) the committee, after examining the report and documents upon which it is founded, fully concur, as they also do in the decision of the same office, that as the lands were represented upon the plats as private claims, and have not been surveyed into sections, &c., as public lands, they were not subject to be floated on under the provisions of the pre-emption law, and no right to the land was acquired by those floats being placed thereon.

"From these decisions it results that Mr. Millaudon, an innocent purchaser of title, which he had every reason to believe, from all the previous action of the government thereon, was a perfect one, after an outlay of upwards of one hundred thousand dollars upon the land, now finds that that title, if not void, is at least questionable, and that all his expenditure is upon lands, perhaps, belonging to the United States."

The lands embraced within the two De Feriot claims, as surveyed in 1830 and confirmed by the surveyor general in 1835, are still the property of the United States, with the exception of a strip off of the north end thereof, which is covered by a confirmation to William Patterson.

In view of the fact that these claims were reported for confirmation by the Commissioner, confirmed by the act of Congress of 1819, surveyed and confirmed by the Surveyor General of the United States, and reserved and set apart by the General Land Office for a satisfaction of these claims, together with the further fact that the claimant is an innocent purchaser, for a valuable consideration, the committee are of opinion that Congress ought to confirm the title of these lands, according to said survey of 1830, to the person or persons claiming said title, except to the extent that the said Patterson claim, as at present located, interferes and encroaches upon the De Feriot claims, as surveyed in 1830; they herewith report a bill for that purpose and recommend its passage.